

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE VEECO INSTRUMENTS INC.  
SECURITIES LITIGATION

MDL No. 7:05-MD-01695 (CM)

THIS DOCUMENT RELATES TO  
ALL ACTIONS

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND BRIEFING SCHEDULE  
ON PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr. and John P. Kiernan request an short extension of time within which to complete class certification discovery, and if necessary, file an opposition to Plaintiff's motion for class certification.

On October 6, 2005, the Court held an Interim Pretrial Conference during which it directed the parties to complete class certification discovery within the twenty-day period following Plaintiff's filing of its Consolidated Amended Class Action Complaint. Plaintiff filed a Consolidated Amended Class Action Complaint on November 7, 2005, which means that Defendants' current deadline to complete class discovery and file any opposition to Plaintiff's motion for class certification is November 28, 2005.


In an attempt to complete discovery on the Court's original schedule, Defendants sent a request for production of documents to Plaintiff under cover letter dated November 1, 2005 – six days before the filing of the Consolidated Amended Complaint. On November 16, 2005, Plaintiff produced twelve pages of documents in response to Defendants' document request.

In addition to requesting production of documents, Defendants requested that Plaintiff make a representative from the Steelworkers Pension Trust ("Steelworkers") and its investment advisor available for deposition on November 21, 2005. On November 18, 2005, counsel for Plaintiff informed us that they do not represent Steelworkers' investment advisor and would not be able to make any witnesses available for deposition on November 21.

In light of our efforts to date, as well as the upcoming Thanksgiving holiday, Defendants respectfully request an extension to December 19, 2005 to complete class action discovery and file an opposition to Plaintiff's motion for class certification. Defendants expect to be able to resolve any outstanding issues relating to their document requests prior to December 19, 2005, as well as take a limited amount of deposition testimony. Counsel for Plaintiff has informed Defendants that they do not oppose this request for a brief extension.

DATED: November 21, 2005

Respectfully submitted,



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Robert F. Serio (RS-2479)  
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***Counsel for Defendants Veeco Instruments Inc.,  
Edward H. Braun, and John F. Rein, Jr.***

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury pursuant to 28 U.S.C. § 1746, that on this 21th day of November, 2005, I caused true and correct copies of Defendants' Unopposed Motion to Extend Briefing Schedule on Plaintiff's Motion for Class Certification and [Proposed] Order to be served by Federal Express on counsel for Lead Plaintiff at the following address:

Sherrie R. Savett, Esq.  
Berger & Montague, P.C.  
1622 Locust St.  
Philadelphia, PA 19103

A handwritten signature in black ink, appearing to read "J. Ross Wallin", written over a horizontal line.

J. Ross Wallin